

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

GETTYS BRYANT MILLWOOD, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

STATE FARM LIFE INSURANCE
COMPANY,

Defendant.

Civil Action No. 7:19-cv-01445-dcc

JOINT STATUS REPORT

Pursuant to this Court’s February 11, 2021 order (ECF No. 64), Plaintiff Gettys Bryant Millwood (“Plaintiff”), and Defendant State Farm Life Insurance Company (“State Farm,” “State Farm Life,” or “Defendant,” and with Plaintiff, the “Parties”) submit this Joint Status Report for the month of April 2022. The Parties update the Court regarding the issues identified below.

1. Class Certification Briefing

The Parties have completed class certification briefing according to deadlines set forth in this Court’s Sixth and Final Amended Conference and Scheduling Order. Plaintiff filed his Motion for Class Certification¹ on January 18, 2022. State Farm filed its Opposition to Class Certification on February 25, 2022. Plaintiff filed his Class Certification Reply on March 23, 2022.

¹ Plaintiff’s Class Certification Motion was originally filed by Plaintiff Millwood and Plaintiff John Baker McClanahan as Personal Representative of the Estate of Melissa Buchanan. On February 18, 2022, the Court granted State Farm’s Consent Motion to Sever and Transfer, and the claims of John Baker McClanahan, personal representative of the Estate of Melissa Buchanan, on behalf of himself and the putative Tennessee Class, were severed and transferred to the United States District Court for the Western District of Tennessee.

2. Summary Judgment Briefing

State Farm filed its Motion for Summary Judgment on March 10, 2022. Pursuant to the Court's Order granting the Parties' Joint Motion for an Extension of Time (Dkt. 194), Plaintiff filed his opposition on April 7, 2022. State Farm's Reply is due on April 28, 2022.

Plaintiff intends to file its Motion for Summary Judgment by May 4, 2022, in accordance with the Court's Sixth and Final Amended Conference and Scheduling Order (ECF No. 147).²

3. Daubert Briefing

The Parties held a meet and confer on March 8, 2022 regarding State Farm's Motion to Exclude the Testimony of Larry N. Stern pursuant to the principles set out in *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579 (1993). The Parties were unable to resolve the matters contained in the Motion. State Farm thus filed its Motion on March 10, 2022. Pursuant to the Court's Order granting the Parties' Joint Motion for an Extension of time (Dkt. 194), Plaintiff filed his opposition on April 7, 2022. State Farm's Reply is due on April 28, 2022.

Plaintiff will reach out to State Farm to meet and confer regarding State Farm's expert testimony. If a resolution is not reached, Plaintiff intends to file its Motion to Exclude State Farm's Expert Testimony by May 4, 2022, in accordance with the Court's Sixth and Final Amended Conference and Scheduling Order (ECF No. 147).

² State Farm does not waive and expressly reserves any and all of its rights under the one-way intervention rule, to the extent it is implicated. Plaintiff also reserves any and all of his rights to challenge any arguments State Farm may make regarding one-way intervention if or when they are made, including the right to argue that State Farm has waived any one-way intervention challenge.

Respectfully submitted,

s/ David M. Wilkerson

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